

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ERNANIE LATORRE,

Plaintiff,

v.

RAYMUNDO CALARO, et al.,

Defendants.

No. 2:20-cv-00886-JAM-CKD PS

ORDER

This matter is set for a status conference to be held on October 7, 2020. A review of the docket demonstrates that none of the thirty-two defendants named in plaintiff's complaint have been served. Pursuant to this court's order, plaintiff had 90 days to serve defendants with process in this action; plaintiff was similarly ordered to file a certificate of service concurrently with such service. (ECF No. 6 at 1-2.) Those deadlines have passed, and plaintiff has not filed those documents with the court.

Pursuant to Federal Rule of Civil Procedure 4

If a defendant is not served within 90 days after the complaint is filed, the court--on motion or on its own after notice to the plaintiff--must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Fed. R. Civ. P. 4(m). While the court would be within its discretion to dismiss the complaint in

1 this case, as plaintiff has not shown good cause, after considering plaintiff's pro se status, and the  
2 court's desire to determine this action on the merits, the court will grant an additional 60 days to  
3 effectuate service on the defendants named in plaintiff's complaint. Plaintiff is advised to follow  
4 Federal Rule of Civil Procedure 4(e), outlining the service of individuals. While plaintiff is not  
5 required to hire a professional process server, considering the number of defendants in this action  
6 and plaintiff's current failure to serve any of them, plaintiff may want to consider that option.  
7 Regardless of whether plaintiff hires a process server, plaintiff must follow Federal Rule of Civil  
8 Procedure 4 to properly effectuate service. Additionally, while plaintiff is granted an extension to  
9 serve defendants, plaintiff is cautioned that if she fails to serve any defendant, or file the required  
10 certificates of service, plaintiff's complaint will be subject to dismissal as to those defendants.

11 Accordingly, it is HEREBY ORDERED that:

12 1. Plaintiff is granted an additional sixty days, from the date of this order, to  
13 effectuate service on the named defendants.

14 2. The Initial Scheduling Conference currently set for October 7, 2020 is  
15 VACATED; the court will reschedule this hearing if it is deemed necessary.

16 Dated: September 29, 2020

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18 CAROLYN K. DELANEY  
19 UNITED STATES MAGISTRATE JUDGE  
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